

KASSON TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING

Friday, June 4, 2021, 7:00pm
Kasson Township Townhall
10988 S. Newman Rd. Maple City, MI 49664

1. **CALL TO ORDER/Pledge of Allegiance:** Chair Otto called the meeting to order at 7:00pm with the Pledge of Allegiance.
2. **RECOGNITION OF VISITORS AND ROLL CALL OF COMMISSIONERS**
 - A. **COMMISSIONERS PRESENT (roll call):** Commissioner Jim Anderson, Commissioner Kenneth Carter, Chair Stella Otto, and Secretary Chuck Schaeffer
 - B. **COMMISSIONERS NOT PRESENT:** Vice Chair Gerald Roush (excused)
 - C. **STAFF PRESENT:** Tim Cypher, Zoning Administrator
 - D. **VISITORS PRESENT:** Dana Boomer, Michael Dib, Paul Gerard, Eugene Homeister, Rebecca Lessard, Jim Lively, Emily Lively, Kelly Lively, Robert Lively, Mac Lister, Carol L. Waters, Lorraine Weber, Deane Western, Ed Wilbert, John Yonkers, Oksana Yonkers, and two more
3. **DECLARATION OF CONFLICTS OF INTEREST:** None reported.
4. **COMMENTS FROM THE PUBLIC on non-hearing topics:** No public comments currently.
5. **OPEN PUBLIC HEARING – Special Use Permit (SUP) Application for Lively Holdings, LLC**

Chair Otto requested a motion to open the public hearing. Schaeffer moved, Carter seconded, to open the Public Hearing on the SUP Application for Lively Holdings, LLC. All present in favor, motion carried

- A. Presentation by Applicant – Jim Lively presented handouts of the project to members of the public. Lively reviewed proposed expansion plans that include a few accessory buildings with no changes to the main structure, a food and farm market, expand existing campground from 15 to 40 campsites, with approval received from Environment, Great Lakes, and Energy (EGLE), and an event center. Lively anticipates having community events, banquet meeting facility and an indoor theater.

Lively reported that phase one operations begin this summer and will include 40 campsites, an outside event center use and a small retail food store, with no kitchen use. Lively stated that phase two will begin after the summer season or by the fall of next year. Lively advised there will be an expanded drain field, commercial kitchen, indoor listening area, bathrooms, and showers for the campground, and two bathrooms attached to the indoor theater building.

Lively advised the indoor music building will have windows and doors, plus meet decibel (dB) level conditions. Lively reported anticipating the largest inside event would be 108 people, with 97 gravel parking spots. Lively stated the three outdoor music events, previously approved are planned for this year.

Emily Lively provided a video presentation for the phase one proposal of expanding the existing 15 campsites to 30 rustic and camper vans sites, with 10 sites being “hotel outside” type of tent camping (e.g. cabins and glamping tents).

Emily Lively reviewed the HipCamp online reservation system that includes all the regulations of the camping sites (e.g. quiet hours, check-in/out). Emily Lively confirmed that Livelys plan to be onsite daily with contact information available for when owners are offsite (e.g. overnight hours). Emily Lively stated all campsites have small fire pits with communal fires monitored by staff. Emily Lively reported that phase two of the campground includes the addition of communal bathrooms and showers.

Emily Lively stated phase two includes a small stage for the indoor events with anticipated bookings for corporate meetings, community events, and a craft market with amplified music. Emily Lively advised that any amplified music will be enclosed or meet dB levels, with air conditioning available. Emily Lively stated that alcohol is provided at the three currently approved music events with a local non-profit providing the liquor license.

Chair Otto advised the public to hold questions until the comment portion of the public hearing.

Emily Lively stated phase two also includes two bathrooms next to the meeting/music area along with a commercial kitchen. Food trucks may be used for larger groups, along with additional portable toilets reported Emily Lively. Amplified music will be inside the building with insulated walls, doors and windows stated Emily Lively.

Emily Lively reported that the food store will be under the food pavilion during phase one.

B. Comments from Staff (Zoning Administrator/Planner)

Cypher advised that he is deferring input until item 6 with every aspect being reviewed as additional approval is being requested in the application.

C. Public Comment – On the SUP

- i. Comment Rules from Chair – Chair Otto reviewed the rules of decorum of public comment:
 - Be as orderly as possible
 - Turn off cell phones
 - Anyone speaking needs to sign in
 - Comments are to be held at three minutes for now
 - No speaking over others
 - Raise hand when wish to speak

- Planning Commission questions go through the Chair
- One person speaking on behalf of a group is allowed
- No personal attacks, slurs, or booing
- State whether speaking in favor or against the SUP

ii. Speaking For Granting the SUP

Michael Dib (3953 W. Gilbert Lane, Empire) stated he has lived here five years and knows the sound carries, especially to the north. Dib advised when he reported issues with sound during past events, he was happy with the response and has no concerns.

Chair Otto confirmed that conditions put on the permit stay with the land not the owner.

Rebecca Lessard (13035 S. Greenway Trail, Empire) stated she lives south of the property with music being loud. Lessard appreciates the thoughtfulness of Livelys in addressing concerns and feels this is the best thing to happen for the neighborhood. Lessard stated she feels the impact on the environment is variable and does not feel there will be much difference in traffic. Lessard stated she is in support for granting the SUP.

Ed Wilbert (3993 W. Gilbert Farm Lane, Empire) advised he is north of the property and stated there has been poor management in the past. Wilbert expressed concerns:

- Clarification on types of events for the daily events.
- Risk of grass fires with the closest water source at the golf course.
- Alcohol is not permitted in the current SUP and may have been provided illegally.
- Previous discussion of retention ponds for approved parking.
- Not much concern about the campsite fire pits.
- Noise is biggest concern, especially as no one was ever there in past events.
- Future owners
- Increased buffering with trees is necessary on the west side of the driveway as there are gaps.

Chair Otto advised the public in attendance that emails will be read into the record at the appropriate time.

Lorraine Weber (12691 S. Temenos, Empire) reports she is a resident of property jointly owned to the south. Weber expressed she is not sure if she for or against the SUP. Weber stated she is concerned that she learned of this meeting last night. Weber expressed concern about noise and has questions about the 85 dB levels and whether they are just for the inside events.

Cypher advised that the planning commission is not able to determine conditions of 2001 permit for the three approved music events.

Weber supports the idea of expanding but has major concern of the management of outdoor events that are detrimental to the environment. Weber asked if the planning commission is considering changes to the existing amendment to address concerns for the three major events.

Cypher advised the public that in the Gilbert Lake Division, property lines are outside of 300 feet requirements for individual notices. Discussion and details followed on how to access meeting and public information on the Kasson Township website.

Ed Wilbert (3993 W. Gilbert Farm Lane, Empire) was permitted to speak a second time by Chair Otto. Wilbert advised that the existing building was built for storage only and assumes if it is used for other purposes, it would be in violation of original SUP.

Chair Otto advised the public that the planning commission is not considering the past permit at this meeting.

Deane Western (11977 S. Gilbert Road, Empire) is in support of Livelys project, though he has concerns of overflow parking on M72. Western expressed a safety concern in the future if people park on the side streets and walk across the highway.

Chair Otto stated that the number of campers is determined by EGLE with 8 people per site, which means up to 320 campers can be on the site daily.

Dana Boomer stated she is not saying whether she is for or against the SUB, but that there are some issues that cause concern:

- Water and fire
- Livelys are proposing to use the easement from Gilbert Road to the top of property, which is an unapproved road not built for commercial uses and not on the site plan.
- The Fire Chief may not have approved anything not on the site plan.
- Trees are currently around the property with gaps on west side especially at the south end.
- No restriction on numbers of people for daily events in phase one or two
- No gravel parking for phase one.
- Sound conditions being proposed are not to damage hearing but do not acknowledge how sound affects daily living.

Boomer stated her concerns are more for future owners with respect to number of people for events.

iii. Speaking Against the SUP

John Yonkers (3987 W. Gilbert Farm Lane) stated he feels there needs to be a time frame on phase one as does not like the “we’ll see how things go” approach. Yonkers advised that amplified sound can be loud without PA systems. Yonkers believes there are fire hazards in that tourists may not understand fire safety during fire bans.

Yonkers stated that the unrestricted period of phase one could potentially be passed onto future owners and this needs addressed.

Chair Otto asked to Zoning Administrator Cypher to read the following emails into the record:

Cathy Aylsworth (adjacent property owner) - see attached email.

Eugene and Joan Homeister (334 W. Empire Highway, Empire) - see attached email.

Rebecca and Greg Abbott - see attached email.

Andrew and Marjorie Cook (12545 S Gilbert Road, Empire) - see attached email.

Ed Wilbert (3993 W. Gilbert Farm Lane, Empire) advised he sent email but covered all topics under public comment, so this email was not read into the record.

iv. Applicant Response to Public Comments – Directed to the Commission

Chair Otto advised applicant to respond to the planning commission and provided topics to be addressed by the applicant(s).

- Comments on daily events – Lively stated with the indoor events having amplified music and with potential to use in question, as a commercial business, it will be hard to be successful if events limited.
- Current building only permitted as storage building – Lively advised the SUP is about changing the building use. Chair Otto confirmed with Lively that the building department has not been informed of a change of use of the building at this time. Discussion followed. Lively advised he will get input of building department and does not see any issue with the requested use being permitted. Cypher confirmed that Livelys are to provide correspondence from the building department regarding the approval of the change of use.
- Earlier quiet time – Lively reported that an earlier time can be considered if necessary. Chair Otto and Secretary Schaeffer advised that 10:00pm is a typical time for quiet hours in most state parks.
- Easement not on the site plan – Lively advised that this easement is for emergency use, especially for staff, with the ability to restrict the amount of the easement. Cypher advised Lively that the easement needs to be on the site plan with the width that is being proposed.
- Fire suppression – Lively advised that the Fire Chief stated that dry grass is the main issue, with owners to water as much as possible. Lively stated that the Fire Chief advised that the Livelys have a good system for the fire ban

with signage and the HipCamp messaging system. Cypher confirmed with Livelys that fire pits are on top of the ground with metal rings. Cypher advised that any communal fire pits proposed need to be on the site plan.

- Separating property from back property owners – Lively supports the idea of fencing especially for the larger events. Chair Otto questioned that permanent fencing is what property owners are suggesting. Lively confirmed with Otto that putting up permanent fencing can be completed.

Schaeffer stated that amplified sound versus amplified music is better verbiage as sound carrying is not necessarily only music.

Lively questioned that permitted uses such as outdoor events might need more definition and discussion. Discussion followed. Cypher advised that a determination can be made based on Webster's definition of public and semi-public uses.

Lively clarified that parking will not be allowed along the road as ample parking is provided for events. Cypher stated that police involvement for parking assistance has normally been provided for large events.

Cypher asked for clarification on the timing of phase one and phase two. Lively advised Livelys are anticipating the septic system expansion starting after the first full season. Cypher confirmed with Emily Lively that generators will not be allowed on campsites.

Cypher clarified with Lively regarding size of cabins being proposed with Lively stating they do not anticipate going over 150 square feet though 400 square feet is allowed. Lively advised that the cabins/glamping tents would be part of the 40 campsites proposed. Lively clarified with Otto that all campsites can have electric but no water.

Cypher questioned staffing of only four days a week. Emily advised that staff would be on site at any events in addition to the four days with office staff for the campers on weekends. Livelys advised they will be in and out of the property, as necessary. Discussion ensued on trading campsite rental for staffing 24 hours as some other campgrounds do.

Cypher stated that there are no capacity limits provided for the pergola and patio which conflicts with parking requirements for seating purposes. Lively advised that up to 150 guests are approved for each area with a maximum of 300 guests. Cypher advised parking attendants might be one way to maximize the gravel spaces and confirmed handicap parking will be provided in accordance with state law per Emily Lively.

Emily Lively confirmed with Cypher that Livelys are open to limiting hours open each day with their noise test showing 65 to 70 dB levels from the garage door at northwest corner of the proposed indoor building towards M72.

Cypher asked for clarification on fire concerns with Lively reporting that the Fire Chief did not offer specifics other than mowing and watering grass areas. Lively stated that fire bans signage will be posted, along with the HipCamp messaging service to all campers. Lively advised there will be fire extinguishers in the buildings. Cypher confirmed with Lively to provide a letter from the Fire Chief that water tank is not required during phase one and will be reviewed one year after phase one per Livelys report.

D. Close Public Hearing

Chair Otto asked for motion to close public hearing. Carter moved to close the Public Hearing on the SUP Application for Lively Holdings, LLC., Schaeffer seconded. All present in favor, motion carried.

6. COMMISSION AND ZONING ADMINISTRATOR DISCUSSION

Cypher advised back in May that sections 8.9 and 10.10 give the planning commission the ability to set up an escrow deposit so the township can seek professional support for input and review. Cypher suggests the planning commission consider the escrow deposit for the attorney and the sound engineer. Cypher confirmed with Otto that the attorney is recommending the same sound engineer previously used on another project to review the sound criteria and dB levels.

Chair Otto asked for motion to create an escrow account. Anderson moved to have Livelys establish escrow accounts in the amount of \$2,000 for attorney time and \$3,500 for a sound engineer; Schaeffer seconded. All present in favor; motion carried. Discussion followed regarding dB levels and wise use of money.

Anderson clarified with Cypher regarding ponds required in the previous SUP in 2001. Discussion followed. Cypher advised that putting in the pond was not in the final conditions for approval at that time.

Cypher stated that it is in everyone's interest to be upfront in getting the details regarding sound to proactively plan for nuisance complaints with a workable and enforceable plan. Discussion followed on the need for a sound engineer with respect to a closed listening room. Otto stated it is important for the planning commission members to be educated on standards for dB levels for closed and open-air events. Anderson advised that due to public comments regarding the sound issue, it is important to have a thorough investigation during the planning commission's due diligence.

7. GENERAL COMMENTS FROM THE PUBLIC ON NON-HEARING TOPICS

No comments currently.

8. GENERAL COMMENTS FROM THE COMMISSIONERS

Schaeffer reported on two private recommendations from other townships, which he turned over to Cypher.

Otto reported that the Michigan Senate has approved the gravel mining bill and she feels that the township officials might want to sign a letter to the Senate expressing displeasure at the approval, along with a letter State Representative O'Malley protesting approval prior to their vote. Discussion followed.

Schaeffer asked if anyone was attending the webinar for AG tourism from 12pm-1pm on Monday, June 7, 2021. Discussion followed. Chair Otto confirmed that June 21 and 28, 2021, are still in need of coverage.

9. NEXT MEETING: June 21, 2021, 7:00pm, Kasson Township Hall

10. ADJOURNMENT: Chair Otto requested a motion for adjournment. Anderson moved to adjourn the meeting; Carter seconded. All present in favor, motion carried. Meeting adjourned at 9:29pm.

Respectfully Submitted

Sandra Dunkin, Recording Secretary

Date Approved: